

Mount Jackson  
Town Council Regular Meeting  
August 10, 2021

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The regular meeting of the Mount Jackson Town Council was held August 10, 2021 at 7:00 PM in the council chambers at 5901 Main Street. Roll call was taken with Mayor Pifer, and Councilmembers Rod Shepherd, Whitney Miller, Bonnie Good, Judy Fultz, Dennis Andrick, and Roger Rudy in attendance.

Also, in attendance, Neil Showalter, Town Manager; Jeff Sterner, Police Chief; Keith Cowart, Police Sergeant; and Debbie Allen, Town Clerk. Mario Rosso, Finance Director; and Karen Taylor, Senior Project & Operations Manager with Northern Shenandoah Valley Regional Commission attended electronically through Zoom. Visitor Tommy Keeler with Northern Virginia Daily was present. Dave Moore from Cornerstone Technology was present to provide Zoom support for the meeting.

Agenda Additions/Deletions/Changes: Mr. Shepherd stated he would like to add Item #3 under New Business, to discuss the damage to the Covered Bridge.

Councilmember Shepherd MOVED, seconded by Councilmember Rudy to APPROVE adding Item # 3 under New Business to discuss damage to the Covered Bridge.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Andrick			
Councilmember Shepherd			
Councilmember Rudy			
Councilmember Good			
6 AYES, motion carried			

Hear from Visitors: None

Remarks & Recommendations from the Mayor: Mayor Pifer stated he attended the Mayor's Institute in Charlottesville on July 15-16, and it was very informative. The main concern among Mayors was police department retention and qualified immunity.

Remarks from Councilmembers: Mr. Rudy commended the Police Department for a successful National Night Out on August 3. Chief Sterner credited Sergeant Cowart for organizing this event, who did an outstanding job.

Presentations: None

Chief of Police Report: Chief Sterner had no report.

Town Manager Report: Mr. Showalter stated the Solar I project is beginning to draw to a close, as they continue to test their equipment and work on their soil conservation measures, towards DEQ approval most likely in early November. The developers will be sending a survey to the adjacent landowners in which they will be asked to express their preference as to plantings in the buffer area adjacent to their property. This was provided for as condition #10 in the special use permit which the Council approved in 2017. Mr. Showalter stated the landowner has planted millet, a bright green temporary grass in order to crowd out any other growth, which is to be replaced by a permanent style of grass and other plantings once the season allows.

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Mr. Showalter stated regarding the north end sidewalks VDOT is currently reviewing a construction cost budget estimate and the project manual for the job. The Town will also be forwarding the right-of-way certification now that all the easements are in and recorded. The estimated opening bid date is October 28, with a bidder's meeting in early October.

Mr. Showalter stated the sale of land to Route 11 Chips has closed. The pool is now open weekends only with the last day being Labor Day, Monday, September 6. The financial audit has been scheduled for September 27-29. On August 31, public works will be replacing a sewer line beneath Main Street in front of the old Pure Gasoline Station. One lane will be open at all times with flagmen on-site, which may be a bit disruptive to traffic.

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd had no report.
2. Ordinance Committee Chairperson, Dennis Andrick had no report.
3. Personnel Committee Chairperson, Roger Rudy had no report.
4. Public Safety Committee Chairperson, Judy Fultz reported July Police Department calls were 1104, up 163 from June. There were 9 criminal offenses, 6 cleared by arrest, 2 under investigation, and 1 closed damage to be fixed. They conducted 858 extra patrols/property checks, 38 foot patrols, and located 1 open door/window. The Mount Jackson Rescue and Fire department reported the total responses were 107, with 72 EMS/35 Fire. Total Mount Jackson calls were 42 with 20 volunteers taking calls with paid personnel.

Mayor Pifer asked if July traditionally has a higher number of calls. Chief Sterner stated most of the calls are self-generated, such as property checks (800 out of 1104). He stated in the colder winter months the officers do not get out and walk as much as in the warmer summer months.

5. Public Services Committee Chairperson, Bonnie Good stated the past several years Council and staff have been discussing and working on issues that arose with the sewer plant being overwhelmed with pollutants. This began in 2019, and in April 2020 the Town Manager was given permission by the Council to work with Mangrum Consulting to come up with a plan on how to address this issue. The recommendation to construct an equalization basin was presented to Council in August 2020, and in May 2021 Council approved it. Ms. Good stated the Virginia Department of Environmental Quality determined the Town has not progressed to a point they feel is acceptable, so have set guidelines and timeframes, with a minor financial penalty. Ms. Good stated the Town was not awarded the grant this year, however can keep its application in place, and should be able to receive it next year to use toward construction costs, and Mangrum Consulting costs as well. Ms. Good stated Mr. Showalter is working with DEQ to determine if the penalty amount can be reduced, and to not be held to their specific timeline, and the Town has until Friday to sign the paperwork.

Mr. Showalter stated the civil penalty was not as a result of any delay in action, but their decision to assess the penalty is due solely to the Town violating its discharge permit for the period of February 2019 – June 2019. The Town received a notice of violation shortly after the effluent exceeded the permit. DEQ is proposing that penalty of approximately \$17,000, and agrees to hold the Town harmless for these pollutants for the next few years while it constructs the remedial basin. So far, since that time the Town has not had any further permit violations.

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Mr. Rudy asked if the schedule DEQ presented is unreasonable. Ms. Good stated it gives the Town until March 1, 2024 to complete everything. Mr. Showalter stated he will ask for an additional 6 month extension until September 1, 2024, hoping the consent order would cover the period of time in which the Town has experienced problems in the past, which is the spring and early summer time period.

Mr. Andrick asked if there is a particular business causing these violations. Mr. Showalter stated there were problems which generated clawback on the Town's bonds and grants used to build the sewer plant, and that particular large industrial user has reimbursed the Town 100%. However, this series of permit violations was not particularly attributable to a certain customer, but to the presence of quaternary ammonia. Mr. Showalter stated his understanding is quaternary ammonia tests take a long time to run and almost impossible to trace back unless a sewage sample is taken from every user. The problem was avoided in 2020-2021 as the Town was proactive in talking to the businesses, and even mentioned in the newsletter individuals should check their home products for quaternary ammonia as well. The equalization basin will give the operators an opportunity to react to the pollutants that take extra processing. It will add a 50% additional capacity to the sewer plant at a price that is a fraction of what it cost to build it. Ms. Miller asked if there has been any testing in 2020-2021 because quaternary ammonia was one of the approved CDC cleaning agents for COVID. Mr. Showalter stated no recent testing has been done and no quaternary ammonia has appeared in the plant.

6. Public Properties & Facilities Committee Chairperson, Whitney Miller stated she will be meeting with Mr. Showalter and the Town Clerk next Wednesday to discuss items to accomplish at the park and pool before next summer. She advised councilmembers to let her know if they have any observations or ideas.

Consent Agenda: Approval – Minutes of July 13, 2021 Regular Meeting.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE the Consent Agenda above.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Andrick			
Councilmember Shepherd			
Councilmember Rudy			
Councilmember Good			
6 AYES, motion carried			

Old Business: None

New Business:

1. Shenandoah County Transit Update – Karen Taylor, Northern Shenandoah Valley Regional Commission.

Mr. Showalter stated in November 2019 Council met with Ms. Taylor in regards to establishing a transit system in Shenandoah County, and was asked to make a contribution towards a feasibility study. At that time the Council voted to withhold that, but nevertheless the study was done, and Council agreed to revisit the subject at a later date.

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Ms. Taylor stated this project began approximately 3 years ago, when her organization was contacted by several non-profit agencies to see what can be done about the lack of public transportation in Shenandoah County. In response, the NSVRC organized a Shenandoah County Public Transportation Committee that began to meet on a regular basis, consisting of Town Managers, Planners, Tourism & Human Service Agencies. The NSVRC contacted the Virginia Department of Rail & Public Transportation and applied for funding assistance to conduct a transit feasibility study which was initiated in September 2018. The feasibility study process included an outreach effort to stakeholders and the public, looking at the County's socio-economic data and local planning documents, developing public transit service options, and recommending a Transit Service Plan which was finalized June 2019. The stakeholder input included Human Service Agencies, Shenandoah County Public Schools, and Employers. The public input was 1100 survey responses, and 270 comments (72% positive, 20% negative, and 8% neutral). The route plan selected by the transit committee is Monday-Saturday 6 AM – 6 PM, \$1 fare, with a northbound loop (Woodstock-Strasburg) and a southbound loop (New Market-Woodstock), with Woodstock Walmart being the transfer station. The NSVRC applied for and was awarded a State Demonstration Grant (12 months), which will pay 80% (\$359,414) of the total annual budget of \$472,267, and the localities will split the other 20% (of which Mount Jackson's share is \$5,136). The NSVRC presented the Final Transit Feasibility Plan to Town Councils and the Shenandoah County Board of Supervisors in 2019, and applied for the grant in February 2020. COVID-19 put a pause on the project for several months, but the Commonwealth Transportation Board approved the final 6-year improvement plan December 2020. The funds became available in March 2021 and an RFP was advertised in April-May 2021. Virginia Region Transit has been selected as the contractor and will begin service on/around October 2021.

Mr. Andrick stated during the initial presentation November 2019, there was a discussion regarding how far off Route 11 the transit would go, and his opinion was not far enough. Ms. Taylor stated with any transit system that is always an issue, and an individual can make an appointment for pickup if they are disabled, otherwise the route will be  $\frac{3}{4}$  of a mile off Route 11, on a 14-passenger shuttle. Ms. Taylor stated tomorrow at 2 PM they are meeting with VRT at the Shenandoah County Chamber of Commerce to establish the route. Ms. Miller asked if tonight's presentation is a request for the Town to reconsider and commit money, or what the next step is in this process. Ms. Taylor stated Mr. Showalter asked her to update Council on the project, but they are asking for nothing at this time. Ms. Miller stated her concerns are the same as 2019, but she looks forward to seeing what the route will be.

Mr. Rudy stated he was surprised at a budget of less than half a million dollars per year, and asked how many employees will this involve, and will the drivers be recruited locally. Ms. Taylor stated she estimates 2-3 drivers, but that number and where the drivers will be recruited from is VRT's decision. She stated there will be 2 vehicles, and 1 spare. Ms. Good stated there could potentially be a lot of time to transpire between leaving home and returning home. Ms. Taylor stated that will be determined at the meeting tomorrow, and she will share that information with Mr. Showalter. Mr. Showalter stated he plans to attend the meeting as well. Ms. Good stated she feels public transportation in Shenandoah County is lacking, and there were numerous comments to that effect in the survey responses sent for the Comprehensive Plan.

## 2. Discussion of Possible Employee Vaccination/Masking Requirements.

Mayor Pifer stated a memo and the state directive were included in the council packet, and asked for comments. Mr. Andrick stated he does not support it, and will not get the vaccine. Mayor Pifer stated the directive gives individuals the choice of getting the vaccine, and the consequences. Ms. Miller stated she does not prefer to make the vaccine mandatory or weekly testing, but if employees make the choice not to vaccinate they should be required to inform the HR manager and be required to wear a mask to protect others. Chief

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Sterner stated he does not feel the vaccine should be mandatory, and four out of 6 police officers have been vaccinated to date. Mr. Showalter stated he believes Directive 18 requires disclosing vaccination status only. He stated staff does not have a unified position on this, but he personally believes in and has received the vaccine, and feels everyone should have a choice in medical matters. He stated localities are wrestling with this throughout the state, and this is an opportunity for the Council to provide to staff their thoughts on the matter, and that it would take an overt action on the part of the Council to establish a policy, if desired.

Mr. Rudy stated his fellow councilmembers have been comfortable disclosing their status, but asked if there is a sense within the Town staff if they would prefer to disclose or not. Mr. Showalter stated that would be purely an observation as staff has not had a discussion on this. Mr. Rudy stated if councilmembers could know the answer to that, they can proceed to the next step, otherwise they cannot. Ms. Miller stated it is a sensitive topic, but it would help to have a clear policy and guidelines to protect people who are not comfortable in their environment and do not feel they can speak up without causing problems.

Mr. Shepherd stated the pandemic has cost over 600,000 American lives in the last 18 months. The actuarial longevity tables have gone backwards during this time, and the life expectancy in the United States has dropped. He asked in regards to the Town's health insurance policy/premiums, if employees choose not to get the vaccine and contract COVID, which may lead to large medical bills, could that increase the Town's insurance premiums 1-2 years from now. Ms. Miller stated it would also be interesting to know what leave is available if employees do not get vaccinated and contract COVID, because on a state agency level employees are out of COVID leave options. Mr. Shepherd recommended the personnel committee examine this further to determine if a policy should be in place.

Councilmember Good MOVED, seconded by Councilmember Andrick to TABLE the matter of COVID vaccination and masking requirements and refer to the Personnel Committee to review until next month.

Mr. Rudy encouraged staff to find out how comfortable employees are with sharing their vaccination status. Mr. Andrick stated it is not legal to ask individuals that question. Mr. Moore stated it is now legal to ask the status only, not details of the status, which does not violate HIPAA.

ROLL CALL VOTE:

AYE

NAY

ABSTAIN

ABSENT

Councilmember Fultz  
Councilmember Miller  
Councilmember Andrick  
Councilmember Shepherd  
Councilmember Rudy  
Councilmember Good  
6 AYES, motion carried

3. Discussion of the Covered Bridge Damages.

Mr. Shepherd stated he saw the recent damage done to the covered bridge by a tractor trailer recently. He stated VDOT has done a wonderful job keeping the bridge in good condition, but would like a letter sent from the Mayor and Town Manager, thanking them and offering help from the Town to expedite repairs in time for fall tourism season.

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Chief Sterner stated Sergeant Cowart was on scene at the latest incident, and occasionally officers are able to apprehend and charge the offender, but most of the time the damage is done and the offender leaves the scene. Sergeant Cowart stated the driver came from Merilatt and had some debris on top of the trailer, and citizens called it in.

Mr. Andrick asked if the chains could be lowered as they do not appear to be working. Chief Sterner stated he spoke with Mr. Carter from VDOT who says they have done everything they can as far as barricades. He can ask Mr. Carter about installing cameras, which will not prevent accidents but will help with enforcement, and save the state money because the trucking company would have to pay for damages. Mr. Shepherd asked if it would be helpful to correspond with the shipping departments of various factories to inform their drivers not to drive through the bridge. Ms. Miller stated Merilatt may be willing to put up a sign at their lot exit, advising drivers not take that bridge route. Chief Sterner stated he would talk to Merilatt management regarding this issue. Mayor Pifer asked if Mr. Carter indicated when they would start repairs, and Chief Sterner said he did not. Sergeant Cowart stated the crew was there two weeks ago evaluating damages. Chief Sterner stated he asked Mr. Carter if the Town should have a resolution in place regarding the road/bridge, but his recommendation was to brainstorm with the County first, then approach VDOT.

Councilmember Shepherd MOVED, seconded by Councilmember Andrick to APPROVE the Mayor and Staff send a letter to VDOT thanking for the ongoing maintenance, and offering assistance from the Town to expedite repairs in time for fall tourism season.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Andrick			
Councilmember Shepherd			
Councilmember Rudy			
Councilmember Good			

6 AYES, motion carried

Motion made by Councilmember Shepherd, seconded by Councilmember Fultz to adjourn the meeting at 8:20 PM.

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Deborah "Debbie" L. Allen, Clerk

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Donald "Donnie" I. Pifer, Mayor